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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 IFEANYICHUKWU E. OKEKE, ET AL,

4 Plaintiffs,

5 v.

16 CV 570 (CM)

6 NEW YORK PRESBYTERIAN
7 HOSPITAL,

8 Defendant.

JURY TRIAL

-----x

9 New York, N.Y.
10 July 25, 2017
11:08 a.m.

11 Before:

12 HON. COLLEEN MCMAHON,

13 District Judge

14 APPEARANCES

15 OFODILE & ASSOCIATES
Attorneys for Plaintiffs

16 BY: ANTHONY C. OFODILE

-AND-

17 LAW OFFICE OF OSONDU ANYADIKE

18 BY: OSONDU ANYADIKE

19 EPSTEIN BECKER & GREEN

Attorneys for Defendant

20 BY: BRIAN G. CESARATTO

STUART M. GERSON

21 ANN K. MAHONEY

H7PVOKET

1 (Trial resumed; jury not present)

2 (At 11:00 a.m., a note was received from the jury)

3 THE COURT: Case on trial continued. Counsel are
4 present, the jurors are not present at 11 o'clock this morning.

5 The jurors have sent a note. They want: "The
6 transcript from Mr. Mahmoud on 7/17/17."

7 That's his direct; they want Mr. Mahmoud's direct.

8 MR. OFODILE: Okay.

9 THE COURT: It's pages 361 to 416 of the transcript.
10 My proposal is that we copy it and give it to them.

11 MR. GERSON: Why not?

12 MR. OFODILE: Yes, your Honor.

13 THE COURT: There are a few objections in it, who
14 cares; I ruled on them; they know what that means.

15 Let's just do it, okay?

16 MR. GERSON: Agreed.

17 MR. OFODILE: Yes.

18 THE COURT: Done. It's Court Exhibit 4.

19 (Recess pending verdict)

20 (At 12:10 p.m., a note was received from the jury)

21 THE COURT: Case on trial continues. The parties are
22 present, the jurors are not present.

23 At 12:10, Jeremy was handed a note that said: "We,
24 the jury, are filling out the verdict sheet and will be ready
25 at 12:30."

H7PVOKET

1 (Jury present)

2 THE COURT: Do you guys send color-coded memos?

3 THE JURY: No.

4 THE COURT: It's really uncanny.

5 Have a seated. It's not the first time.

6 Ladies and gentlemen, I have a note saying, We are
7 filling out the verdict sheet and will be ready at 12:30.

8 You can't imagine what happiness this is. At 12:28 we
9 adjourned a 90-minute criminal conference. So timing is
10 everything, okay?

11 Therefore, I believe, I'm correct in saying you have
12 reached a verdict.

13 THE JURY: Yes, we have.

14 THE COURT: All right.

15 Jeremy, will you please retrieve the verdict sheet
16 from the foreperson of the jury.

17 (Pause)

18 THE COURT: Would you please return that to the
19 foreperson and would you please take the verdict.

20 Will the foreperson please rise.

21 THE LAW CLERK: Beginning with Section 1, Plaintiff
22 Okeke. Under the Age Discrimination and Employment Act,
23 federal law, has Mr. Okeke proved by a preponderance of the
24 evidence that the hospital discriminated against him on the
25 basis of his age as to his termination?

H7PVOKET

1 THE FOREPERSON: No.

2 THE LAW CLERK: As to training?

3 THE FOREPERSON: No.

4 THE LAW CLERK: As to overtime opportunities?

5 THE FOREPERSON: No.

6 THE LAW CLERK: Under the New York City Human Rights
7 Law, city law, has Mr. Okeke proved by a preponderance of the
8 evidence that the hospital --

9 THE COURT: Slow down. The poor court reporter,
10 Jeremy.

11 THE LAW CLERK: Sorry.

12 By a preponderance of the evidence that the hospital
13 discriminated against him on the basis of his age as to his
14 termination?

15 THE FOREPERSON: Yes.

16 THE LAW CLERK: As to training?

17 THE FOREPERSON: Yes.

18 THE LAW CLERK: Has Mr. Okeke proved by a
19 preponderance of the evidence that he experienced a hostile
20 work environment on account of his age?

21 THE FOREPERSON: Yes.

22 THE LAW CLERK: What amount of damages, if any, do you
23 award Mr. Okeke?

24 Back pay?

25 THE FOREPERSON: \$188,000.

H7PVOKET

1 THE LAW CLERK: As to emotional distress?

2 THE COURT: Front pay.

3 THE LAW CLERK: As to front pay?

4 THE FOREPERSON: No.

5 THE LAW CLERK: As to emotional distress?

6 THE FOREPERSON: \$20,000.

7 THE LAW CLERK: Did the hospital act with malice or
8 reckless indifference to Mr. Okeke's legal rights such that
9 punitive damages are appropriate?

10 THE FOREPERSON: No.

11 THE COURT: I'm going to do this one plaintiff at a
12 time. I assume that you want the jury polled on the verdicts?

13 MR. GERSON: Yes, your Honor.

14 THE COURT: Ladies and gentlemen of the jury, harken
15 to your verdict as it stands recorded.

16 You and each of you say as to the Plaintiff Okeke that
17 he has failed to prove by a preponderance of the evidence that
18 the hospital discriminated against him on the basis of his age
19 under federal law, that he proved by a preponderance of the
20 evidence that the hospital discriminated against him on the
21 basis of his age as to termination, training, and hostile work
22 environment under the law of the City of New York, and you have
23 awarded him back pay damages of \$188,000, the damages for
24 emotional distress of \$20,000, and no punitive damages.

25 Juror No. 1, is that your verdict as to Mr. Okeke?

H7PVOKET

1 JUROR: Yes.

2 THE COURT: Juror No. 2, is that your verdict?

3 JUROR: Yes.

4 THE COURT: Juror No. 3, is that your verdict?

5 JUROR: Yes.

6 THE COURT: Juror No. 4, is that your verdict?

7 JUROR: Yes.

8 THE COURT: Juror No. 5, is that your verdict?

9 Juror No. 5, is that your verdict?

10 JUROR: Yes.

11 THE COURT: Juror No. 6, is that your verdict?

12 JUROR: Yes.

13 THE COURT: Juror No. 7, is that your verdict?

14 JUROR: Yes.

15 THE COURT: Juror No. 8, is that your verdict?

16 JUROR: Yes.

17 THE COURT: So say you and so say you all.

18 Let's turn now to the plaintiff --

19 MR. GERSON: Your Honor, just to interject, I wouldn't
20 mind if you did this once cumulatively at the end.

21 THE COURT: I'd like to do it separately. This is one
22 of the few times when I actually get to say what's going to
23 happen.

24 As to the plaintiff Jerry Baglione.

25 THE LAW CLERK: As to the plaintiff Jerry Baglione,

H7PVOKET

1 under the Age Discrimination and Employment Act, has
2 Mr. Baglione proved by a preponderance of the evidence that the
3 hospital discriminated against him on the basis of his age as
4 to his termination?

5 THE FOREPERSON: No.

6 THE LAW CLERK: As to training?

7 THE FOREPERSON: No.

8 THE LAW CLERK: As to overtime opportunities?

9 THE FOREPERSON: No.

10 THE LAW CLERK: Under the New York City Human Rights
11 Law, has Mr. Baglione proved by a preponderance of the evidence
12 that the hospital discriminated against him on the basis of his
13 age as to his termination?

14 THE FOREPERSON: Yes.

15 THE LAW CLERK: As to training?

16 THE FOREPERSON: Yes.

17 THE LAW CLERK: Has Mr. Baglione proved by a
18 preponderance of the evidence that he experienced a hostile
19 work environment on account of his age?

20 THE FOREPERSON: Yes.

21 THE LAW CLERK: What amount of damages, if any, do you
22 award to Mr. Baglione?

23 Back pay?

24 THE FOREPERSON: \$123,000.

25 THE LAW CLERK: Front pay?

H7PVOKET

1 THE FOREPERSON: None.

2 THE LAW CLERK: Emotional distress?

3 THE FOREPERSON: \$20,000.

4 THE LAW CLERK: Did the hospital act with malice or
5 reckless indifference to Mr. Baglione's legal rights such that
6 punitive damages are appropriate?

7 THE FOREPERSON: No.

8 THE COURT: Ladies and gentlemen of the jury, harken
9 to your verdict as to Mr. Baglione has failed to prove by a
10 preponderance of the evidence that the hospital discriminated
11 him on any basis under federal -- on the basis of his age as to
12 any termination, training, or overtime opportunities under
13 federal law, but did prove by a preponderance of the evidence
14 that the hospital discriminated against him on the basis of his
15 age as to termination, training, and hostile work environment.
16 And you have awarded him back pay of \$123,000, no front pay,
17 emotional distress damages of \$20,000, and no punitive damages.

18 Juror No. 1, is that your verdict?

19 JUROR: Yes.

20 THE COURT: Juror No. 2, is that your verdict?

21 JUROR: Yes.

22 THE COURT: Juror No. 3, is that your verdict?

23 JUROR: Yes.

24 THE COURT: Juror No. 4, is that your verdict?

25 JUROR: Yes.

H7PVOKET

1 THE COURT: Juror No. 5, is that your verdict?

2 JUROR: Yes.

3 THE COURT: Juror No. 6, is that your verdict?

4 JUROR: Yes.

5 THE COURT: Juror No. 7, is that your verdict?

6 JUROR: Yes.

7 THE COURT: Juror No. 8, is that your verdict?

8 JUROR: Yes.

9 THE COURT: So say you and so say you all.

10 Let's move on to the plaintiff Iqbal Bajwa?

11 THE LAW CLERK: As to Plaintiff Bajwa, under the Age
12 Discrimination and Employment Act, has Mr. Bajwa proved by a
13 preponderance of the evidence that the hospital discriminated
14 against him on the basis of his age as to his termination?

15 FOREPERSON: Yes. Oh, I'm sorry. No.

16 THE COURT: As to his termination?

17 FOREPERSON: His termination, no.

18 THE COURT: Thank you.

19 THE LAW CLERK: As to a promotion?

20 THE FOREPERSON: No.

21 THE LAW CLERK: As to training?

22 THE FOREPERSON: No.

23 THE LAW CLERK: As to overtime opportunities?

24 THE FOREPERSON: No.

25 THE LAW CLERK: Under the New York City Human Rights

H7PVOKET

1 Law, has Mr. Bajwa proved by a preponderance of the evidence
2 that the hospital discriminated against him on the basis of his
3 age as to his termination?

4 THE FOREPERSON: Yes.

5 THE LAW CLERK: As to a promotion?

6 THE FOREPERSON: Yes.

7 THE LAW CLERK: As to training?

8 THE FOREPERSON: Yes.

9 THE LAW CLERK: Has Mr. Bajwa proved by a
10 preponderance of the evidence that he experienced a hostile
11 work environment on account of his age?

12 THE FOREPERSON: Uh-oh.

13 THE COURT: This is why do this. I need you all to go
14 back to the jury room and make sure that you've filled out the
15 verdict sheet correctly in accordance with your verdict and
16 you'll come right back out.

17 JUROR: Okay.

18 (Jury excused)

19 (Jury present)

20 THE COURT: I just had a feeling that something like
21 this was going to happen, which is why I want to do them very
22 clearly one-by-one.

23 All right. Let's start again with Mr. Bajwa.

24 THE LAW CLERK: Under the Age Discrimination and
25 Employment Act, has Mr. Bajwa proved by a preponderance of the

H7PVOKET

1 evidence that the hospital discriminated against him on the
2 basis of his age as to his termination?

3 THE FOREPERSON: No.

4 THE LAW CLERK: As to a promotion?

5 THE FOREPERSON: No.

6 THE LAW CLERK: As to training?

7 THE FOREPERSON: No.

8 THE LAW CLERK: As to overtime opportunities?

9 THE FOREPERSON: No.

10 THE LAW CLERK: Under the New York City Human Rights
11 Law, has Mr. Bajwa proved by a preponderance of the evidence
12 that the hospital discriminated against him on the basis of his
13 age as to his termination?

14 THE FOREPERSON: Yes.

15 THE LAW CLERK: As to a promotion?

16 THE FOREPERSON: No.

17 THE LAW CLERK: As to training?

18 THE FOREPERSON: Yes.

19 THE LAW CLERK: Has Mr. Bajwa proved by a
20 preponderance of the evidence that he experienced a hostile
21 work environment on account of his age?

22 THE FOREPERSON: Yes.

23 THE LAW CLERK: What amount of damages, if any, do you
24 award to Mr. Bajwa?

25 Back pay?

H7PVOKET

1 THE FOREPERSON: \$196,000.

2 THE LAW CLERK: Front pay?

3 THE FOREPERSON: None.

4 THE LAW CLERK: Emotional distress?

5 THE FOREPERSON: \$20,000.

6 THE LAW CLERK: Did the hospital act with malice or
7 reckless indifference to Mr. Bajwa's legal rights such that
8 punitive damages are appropriate?

9 THE FOREPERSON: No.

10 THE COURT: Harken to your verdict as it stands
11 recorded.

12 You find that plaintiff Iqbal Bajwa has failed to
13 prove by a preponderance of the evidence that the hospital
14 discriminated on any basis, on the basis of his age, under
15 federal law, but that he has proved by a preponderance of the
16 evidence that the hospital discriminated against him on the
17 basis of his age as to his termination, training, and hostile
18 work environment, but not as to a promotion.

19 And you further award Mr. Bajwa damages of back pay in
20 the amount of \$196,000, no front pay, \$20,000 in emotional
21 distress damages, and no punitive damages.

22 Juror No. 1, is that your verdict?

23 JUROR: Yes.

24 THE COURT: Juror No. 2, is that your verdict?

25 JUROR: Yes.

H7PVOKET

1 THE COURT: Juror No. 3, is that your verdict?

2 JUROR: Yes.

3 THE COURT: Juror No. 4, is that your verdict?

4 JUROR: Yes.

5 THE COURT: Juror No. 5, is that your verdict?

6 JUROR: Yes.

7 THE COURT: Juror No. 6, is that your verdict?

8 JUROR: Yes.

9 THE COURT: Juror No. 7, is that your verdict?

10 JUROR: Yes.

11 THE COURT: Juror No. 8, is that your verdict?

12 JUROR: Yes.

13 THE COURT: So say you, so say you all.

14 Let's proceed to the plaintiff Adel Mahmoud.

15 THE LAW CLERK: Under the Age Discrimination and
16 Employment Act, has Mr. Mahmoud proved by a preponderance of
17 the evidence that the hospital discriminated against him on the
18 basis of his age as to his termination?

19 FOREPERSON: No.

20 THE LAW CLERK: As to training?

21 THE FOREPERSON: No.

22 THE LAW CLERK: As to overtime opportunities?

23 THE FOREPERSON: No.

24 THE LAW CLERK: Under the New York City Human Rights
25 Law, has Mr. Mahmoud proved by a preponderance of the evidence

H7PVOKET

1 that the hospital discriminated against him on the basis of his
2 age as to his termination?

3 THE FOREPERSON: Yes.

4 THE LAW CLERK: As to training?

5 THE FOREPERSON: Yes.

6 THE LAW CLERK: Has Mr. Mahmoud proved by a
7 preponderance of the evidence that he experienced a hostile
8 work environment on account of his age?

9 THE FOREPERSON: Yes.

10 THE LAW CLERK: What amount of damages, if any, do you
11 award to Mr. Mahmoud as to back pay?

12 THE FOREPERSON: \$125,000.

13 THE LAW CLERK: As to front pay?

14 THE FOREPERSON: None.

15 THE LAW CLERK: As to emotional distress?

16 THE FOREPERSON: \$20,000.

17 THE LAW CLERK: Did the hospital act with malice or
18 reckless indifference to Mr. Mahmoud's legal rights such that
19 punitive damages are appropriate?

20 THE FOREPERSON: No.

21 THE COURT: Jurors, harken to your verdict.

22 You find that Mr. Mahmoud has not proved by a
23 preponderance of the evidence that the hospital discriminated
24 against him on the basis of age under federal law as to his
25 termination, training, or overtime opportunities; that he has

H7PVOKET

1 proved by a preponderance of the evidence that the hospital
2 discriminated against him on the basis of his age as to his
3 termination, training, and hostile work environment; and you
4 award him backpay damages in the amount of \$125,000; front pay,
5 none; and emotional distress damages in the amount of \$20,000,
6 but no punitive damages.

7 Juror No. 1, is that your verdict?

8 JUROR: Yes.

9 THE COURT: Juror No. 2, is that your verdict?

10 JUROR: Yes.

11 THE COURT: Juror No. 3, is that your verdict?

12 JUROR: Yes.

13 THE COURT: Juror No. 4, is that your verdict?

14 JUROR: Yes.

15 THE COURT: Juror No. 5, is that your verdict?

16 JUROR: Yes.

17 THE COURT: Juror No. 6, is that your verdict?

18 JUROR: Yes.

19 THE COURT: Juror No. 7, is that your verdict?

20 JUROR: Yes.

21 THE COURT: Juror No. 8, is that your verdict?

22 JUROR: Yes.

23 THE COURT: So say you and so say you all.

24 As to plaintiff Naeem Qureshi.

25 THE LAW CLERK: Under the Age Discrimination and

H7PVOKET

1 Employment Act, has Mr. Qureshi proved by a preponderance of
2 the evidence that the hospital discriminated against him on the
3 basis of his age as to his termination?

4 FOREPERSON: No.

5 THE LAW CLERK: As to training?

6 THE FOREPERSON: No.

7 THE LAW CLERK: As to overtime opportunities?

8 THE FOREPERSON: No.

9 THE LAW CLERK: Under the New York City Human Rights
10 Law, has Mr. Qureshi proved by a preponderance of the evidence
11 that the hospital discriminated against him on the basis of his
12 age as to his termination?

13 THE FOREPERSON: Yes.

14 THE LAW CLERK: As to training?

15 THE FOREPERSON: Yes.

16 THE LAW CLERK: Has Mr. Qureshi proved by a
17 preponderance of the evidence that he experienced a hostile
18 work environment on account of his age?

19 THE FOREPERSON: Yes.

20 THE LAW CLERK: What amount of damages, if any, do you
21 award Mr. Qureshi as to back pay?

22 THE FOREPERSON: \$125,000.

23 THE LAW CLERK: As to front pay?

24 THE FOREPERSON: None.

25 THE LAW CLERK: As to emotional distress?

H7PVOKET

1 THE FOREPERSON: \$20,000.

2 THE LAW CLERK: Did the hospital act with malice or
3 reckless indifference to Mr. Qureshi's legal rights such that
4 punitive damages are appropriate?

5 THE FOREPERSON: No.

6 THE COURT: Harken to your verdict, ladies and
7 gentlemen of the jury. You find that Mr. Qureshi has not
8 proven by a preponderance of the evidence that the hospital
9 discriminated against him as to his termination, training, or
10 overtime opportunities on the basis of his age under federal
11 law, but that he has proven by a preponderance of the evidence
12 that the hospital discriminated against him on the basis of his
13 age as to termination, training, and hostile work environment
14 under New York City law. You have awarded back pay in the
15 amount of \$125,000, no front pay, and emotional distress
16 damages of \$20,000, no punitive damages.

17 Juror No. 1, is that your verdict?

18 JUROR: Yes.

19 THE COURT: Juror No. 2, is that your verdict?

20 JUROR: Yes.

21 THE COURT: Juror No. 3, is that your verdict?

22 JUROR: Yes.

23 THE COURT: Juror No. 4, is that your verdict?

24 JUROR: Yes.

25 THE COURT: Juror No. 5, is that your verdict?

H7PVOKET

1 JUROR: Yes.

2 THE COURT: Juror No. 6, is that your verdict?

3 JUROR: Yes.

4 THE COURT: Juror No. 7, is that your verdict?

5 JUROR: Yes.

6 THE COURT: Juror No. 8, is that your verdict?

7 JUROR: Yes.

8 THE COURT: So say you and so say you all.

9 Finally as to the plaintiff Abel De La Trinidad.

10 THE LAW CLERK: Under the Age Discrimination and
11 Employment Act, has Mr. De La Trinidad proved by a
12 preponderance of the evidence that the hospital discriminated
13 against him on the basis of his age as to his termination?

14 FOREPERSON: No.

15 THE LAW CLERK: As to training?

16 THE FOREPERSON: No.

17 THE LAW CLERK: As to overtime opportunities?

18 THE FOREPERSON: No.

19 THE LAW CLERK: Under the New York City Human Rights
20 Law, has Mr. De La Trinidad proved by a preponderance of the
21 evidence that the hospital discriminated against him on the
22 basis of his age as to his termination?

23 THE FOREPERSON: Yes.

24 THE LAW CLERK: As to training?

25 THE FOREPERSON: Yes.

H7PVOKET

1 THE LAW CLERK: Has Mr. De La Trinidad proved by a
2 preponderance of the evidence that he experienced a hostile
3 work environment on account of his age?

4 THE FOREPERSON: Yes.

5 THE LAW CLERK: What amount of damages, if any, do you
6 award to Mr. De La Trinidad for back pay?

7 THE FOREPERSON: \$141,000.

8 THE LAW CLERK: Front pay?

9 THE FOREPERSON: None.

10 THE LAW CLERK: Emotional distress?

11 THE FOREPERSON: \$20,000.

12 THE LAW CLERK: Did the hospital act with malice or
13 reckless indifference to Mr. De La Trinidad's legal rights such
14 that punitive damages are appropriate?

15 THE FOREPERSON: No.

16 THE COURT: Ladies and gentlemen of the jury, harken
17 to your verdict as it stands recorded.

18 You hold that the plaintiff Abel De La Trinidad has
19 not proved by a preponderance of the evidence that the hospital
20 discriminated against him as to his termination, training, or
21 overtime opportunities on the basis of his age under federal
22 law, but that he did prove that the hospital discriminated
23 against him on the basis of his age as to termination,
24 training, and hostile work environment under New York City law.
25 And you have awarded him \$141,000 in back pay, emotional

H7PVOKET

1 distress damages of \$20,000, no front pay, and no punitive
2 damages.

3 Juror No. 1, is that your verdict?

4 JUROR: Yes.

5 THE COURT: Juror No. 2, is that your verdict?

6 JUROR: Yes.

7 THE COURT: Juror No. 3, is that your verdict?

8 JUROR: Yes.

9 THE COURT: Juror No. 4, is that your verdict?

10 JUROR: Yes.

11 THE COURT: Juror No. 5, is that your verdict?

12 JUROR: Yes.

13 THE COURT: Juror No. 6, is that your verdict?

14 JUROR: Yes.

15 THE COURT: Juror No. 7, is that your verdict?

16 JUROR: Yes.

17 THE COURT: Juror No. 8, is that your verdict?

18 JUROR: Yes.

19 THE COURT: So say you and so say you all.

20 Jeremy, if you'll please recover the verdict sheet.

21 And the foreperson may be seated.

22 Ladies and gentlemen, it's time to say good-bye. And
23 I want to say something that I say at every trial, but at this
24 trial I want to say something special. And I speak not just
25 for myself, but for all of the lawyers in the case.

H7PVOKET

1 Everybody hates the concept of jury service. And a
2 lot of people do a lot of things to try to get out of jury
3 service. And when they have an opportunity to get off a jury,
4 almost everybody takes advantage of that opportunity.

5 In this extraordinary case, the parties decided to
6 seat Juror No. 4 knowing that she had a hard-and-fast deadline
7 to leave. And we all understood that if there was no verdict
8 by that time, which was the end of last week, that we would
9 just have to say good-bye to Juror No. 4.

10 It was unimaginable to me last Thursday afternoon when
11 we asked Juror No. 4 to stay that what would happen happened.
12 That she would say that she had cleared her schedule so that
13 she could deliberate with you.

14 Ma'am, I don't know how to thank you, but I have to
15 tell you, I commend you for your citizenship and for your
16 devotion. I love juries. I've loved juries for my whole
17 career, but especially because over 20 years ago now I headed a
18 commission that makes an informed state jury service. And I
19 talked to a lot of jurors all around the state, I got to know a
20 lot of people who have been on juries, and it's given me kind
21 of a special thing for juries. They never cease to surprise me
22 with their devotion. But this really, really was commented on
23 by all of us. And I want it on the record and I want you to
24 know how grateful we are to you for having stuck with it.

25 Thank you.

H7PVOKET

1 Applause to you all.

2 What I usually say at the end of the case is there was
3 a very famous judge who sat on this Court for 35 years and who
4 was one of the great judges of the United States District
5 Courts, recognized nationwide, and way up to the Supreme Court
6 level, for his brilliance. His name was Edward Weinfeld.
7 Really an extraordinary judge.

8 Those of us who sit on the Court who remember Judge
9 Weinfeld -- I'm one of those people; I had the experience of
10 appearing before him -- try to imitate him in many things
11 because he was just -- in his brilliance and his demeanor and
12 his dedication to the job, he was the embodiment of what a
13 federal court judge should be. There's only one thing I won't
14 mimic of Judge Weinfeld's, and that is at the end of the case
15 he would look at the jurors -- he was famous for this -- he
16 would say, I suppose you expect to be thanked. You will wait
17 in vain for thanks from me because you, like I, must take your
18 satisfaction from the knowledge that you have done your duty to
19 the best of your ability.

20 I don't feel that way for precisely the reason that I
21 gave. There's so many people who will do anything to get off
22 jury service: Answer questions strangely, who will throw
23 summonses in the waste basket, who just won't step up to the
24 plate and do one of the only two things that our country
25 ordinarily asks us to do, pay taxes and serve on a jury.

H7PVOKET

1 And we can continue to function as a nation in
2 significant part because people like you are willing to take
3 what's turned out to be two and-a-half weeks out of your very
4 busy lives to sit here and listen to dispute among people that
5 you've never met before, you're never going to meet again, that
6 you have no personal interest in, and you think about it, you
7 parse it, and you resolve it. It is an extraordinary function
8 that you perform; it's an extraordinary role that you play.

9 So I do thank you. And I thank you on behalf of my
10 whole staff and the lawyers for the parties and the parties and
11 all of us here in the Southern District of New York. I thank
12 you very much for having served on this jury.

13 You are excused.

14 If you'll give me five minutes with the lawyers, I'd
15 like to come back and shake hands with you before we go. Okay?

16 Thank you.

17 (Jury discharged)

18 THE COURT: Okay. What can I expect?

19 MR. GERSON: For me to think about it.

20 THE COURT: Okay. How many days do you have? Ten?

21 MR. GERSON: Ten.

22 THE COURT: Right. Good.

23 Because if you're going to make a motion, I want
24 Jeremy to be here to decide it. And Jeremy will not be with me
25 forever.

H7PVOKET

1 MR. GERSON: Well, we wish him well wherever he is.

2 THE COURT: He's there in his accustomed seat.

3 So I'm not going to extend the ten days, all right?

4 MR. GERSON: I have no problem with that.

5 THE COURT: I understand. I understand that you need
6 to consult --

7 MR. GERSON: I tend not to shoot from the hip.

8 THE COURT: No, no, you need to consult with your
9 client.

10 You'll have an attorneys' fees motion?

11 MR. OFODILE: Yes, your Honor. I don't know when the
12 Court will be entering judgment.

13 THE COURT: Well, first of all, I have to see if there
14 are going to be any post-verdict motions. I'd like from you an
15 attorneys' fees motion, which I'd appreciate if you would file
16 within ten days. You'll be allowed to amend it if there is a
17 post-verdict motion, okay?

18 MR. OFODILE: Within ten days from the day of entering
19 of judgment that my time starts to run or time to file the
20 motion starts to run. The reason I'm asking is that I'm going
21 on vacation on Saturday and I will be away for nine days.

22 THE COURT: Okay. Go on vacation.

23 MR. OFODILE: Yes, Judge.

24 THE COURT: All right.

25 Gentlemen, the jury has spoken. May you take

H7PVOKET

1 satisfaction in what the jury said.

2 Okay. Thank you, all.

3 MR. GERSON: Thank you, your Honor.

4 (Trial concluded)

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